

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1331 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 18843 of 2013**

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1. The Chairman Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
 2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, east Gandhi Maidan, Patna.
 3. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.

.... Appellant/s

Versus

Bishwa Kalyan Ganguly Son of Late Ajit Kumar Ganguly, resident of Mohalla - Laxmi Narayan Nagar, P.O. - R.K. Ashram, Bela, P.S. - Mithanpura, District-Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Priyaranjan, Advocate

For the Respondent/s : Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-06-2017

Seeking exception to an order dated 10.07.2014 passed by the learned Writ Court in C.W.J.C. No. 18843 of 2013, this appeal has been filed under Clause 10 of the Letters Patent.

2. Respondent was working in the Bihar Industrial Area Development Authority (BIADA) and he was compulsorily retired from service much before his date of superannuation. However, the order of compulsory retirement was withdrawn, he was reinstated in service and after reinstatement when the benefit of Earned Leave and



Extraordinary Leave for the period from 25.01.2008 to 07.09.2010 was denied to him at the time of his superannuation, the writ petition in question was filed and the Writ Court interfered into the matter and after making certain observations with regard to the erstwhile Managing Director of the Corporation and commenting upon various illegal action taken by him, granted the relief to the respondent and, therefore, challenging the said order of the Writ Court, this appeal has been filed. The only ground canvassed before us in this appeal was that against the impugned action the respondent had a statutory remedy of appeal and as the learned Writ Court has interfered into the matter without relegating the respondent to take recourse to the remedy of appeal, the action is said to be unsustainable. That apart, it was argued that the extraordinary jurisdiction of this Court should not have been exercised in the matter.

3. The learned Writ Court for various reasons indicated in the detailed order has found that the decision of the Managing Director to compulsorily retire the respondent was arbitrary. The respondent has been visited with certain adverse consequences because of this action and considering the same has granted relief to the respondent by holding that for the said purpose now after retirement of the respondent relegating him to take recourse to the remedy of statutory appeal is not called for.



4. The discretion exercised by the learned Writ Court and the reasons given for doing so, cannot be termed as perverse, illegal or unsustainable to such an extent that interference into the matter by this Court is called for. Accordingly, finding no case for interference, the Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

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